

REMARKS

In the Office Action dated February 25, 2003 claims 1-24 and 27-34 were rejected. For the purposes of prosecutorial expediency, Applicant has cancelled claims 1-24 and 27-34 without prejudice, and has added new claims 35-61.

Claim Objections Under 35 U.S.C. §112

Claims 12, 15 and 18 were objected to due to the use of the term "ROM Drive." Applicant has cancelled claims 12, 15 and 18 thereby rendering the objections to such claims as moot. Nevertheless, Applicant has avoided use of the term "ROM drive" in Applicant's pending claims.

Claim Rejections Under 35 U.S.C. §102

Claims 1-11, 13-14, 19-24, 27, 29-30, and 32-33 were rejected as being anticipated by Thomason et al. (US 6,018,612). Applicant has cancelled claims 1-24 and 27-34 without prejudice thereby rendering the rejections to claims 1-11, 13-14, 19-24, 27, 29-30, and 32-33 as moot.

Claim Rejections Under 35 U.S.C. §103

Claims 12, 16-18 and 28 were rejected as being unpatentable over Thomason as applied above to claims 1-11, 13-14, 19-24, 27, 29-30, and 32-33. Applicant has cancelled claims 12, 16-18 and 28, without prejudice thereby rendering the rejections to claims 12, 16-18 and 28 as moot.

The Examiner took Official Notice with respect to claim 28 stating that "receiving data signals in packet form is well known over the Internet etc., therefore it would have

been obvious to one skilled in the art at the time of the invention to utilize or even substitute a source from the Internet to receive data packets, being a mere design choice of a source well known and obvious to one skilled in the art.”

Although Applicant has cancelled claim 28, Applicant nevertheless respectfully traverses Examiner’s statement within the context of Applicant’s invention as currently claimed. In particular, claim 35 describes a method for recording digitally encoded data such as audio/video data, received via a network connection in the form of one or more streams of data. Applicant submits that it would not have been obvious to modify Thomason so as to “utilize or even substitute a source from the Internet to receive data packets” as is asserted by the Examiner. In particular, there is no motivation or suggestion within the prior art to modify the teachings of Thomason to receive data streamed via a network connection, let alone digitally encoded data streamed via a network connection.

Applicant submits that Thomason merely teaches an arrangement for receiving ***analog television transmissions*** that are selected according to their channels. The analog television transmissions are digitized within the arrangement device and stored within one or more buffers before being transferred to buffer memory under supervision of a microprocessor. Applicant submits, however, that Thomason does not teach or suggest receiving data (whether digitally encoded or otherwise) streamed to “the arrangement” of Thomason via a network connection.

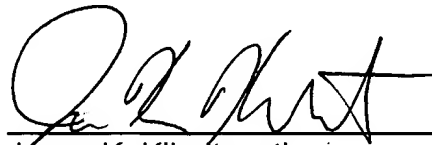
Although Thomason refers to the buffers as being able to be read out in such a way as to convert several parallel data streams into one data stream, the use of the term “stream” in Thomason does not comport with Applicant’s usage of the term

"stream" as used with respect to audio/video data. In particular, Applicant submits that in its simplest form, streamed audio/video data refers to data that can begin to be rendered prior to a corresponding audio/video file being entirely received or downloaded. Maintaining the ability to stream data over a packetized communications network such as the Internet can be particularly difficult due to unpredictable transmission latencies and communication intricacies experienced by such networks. In contrast, simple memory subsystem communications (e.g. bus transactions/addressing), such as that associated with Thomason, are isolated from such transmission complexities and, for at least these reasons, cannot be considered that same as Applicant's use of "streaming."

Respectfully submitted,

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